

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NORTHEASTERN DIVISION

UNITED STATES OF AMERICA, <i>et al.</i> ,	)	
<i>ex rel.</i> DEBRA NORRIS,	)	
	)	
Plaintiffs,	)	
	)	Civil Action No.: 2:13-cv-00035
v.	)	
	)	MAGISTRATE JUDGE NEWBERN
DAVID FLORENCE,	)	
	)	
Defendant.	)	

SUPPLEMENT TO NOTICE OF AVAILABLE DATES  
AND UPDATED MEDICAL STATUS

Under the directive of the Court, counsel for the defendant provided their available dates and an update of new information that became available to us since our last reporting to the Court which we felt was appropriate for the Court's consideration. Since our filing was submitted first, counsel for the Government and the Relator used their filing as an opportunity to attack what appears to be the credibility of Dr. Florence as well as that of counsel. In light of same, it only seems appropriate that I file a brief response.

Counsel for the Government in her presentation provides four (4) one (1) week periods and contends that each of them are over two (2) months away. I'm not sure if she means away from today or away from the date of Dr. Florence's surgery. In reality, of the four (4) only one (1) is two (2) months out and it barely is. As we pointed out, this is not a stent surgery, because of the level of blockage, it will be the full open heart surgery. We don't have a direct report from the doctor as to how long the recuperative period might be and so we didn't put anything about it, but the understanding that I have that for a procedure of this nature it is a minimum of three (3) months including or following up with some rehabilitation. We did not include that information

with our initial response because we understand that is in general and it would vary from patient to patient; and I don't have it directly from the doctor.

Prepping for trial and prepping with Dr. Florence is necessary and that has to be done, not during trial, but prior to trial. So for any period we look at, we need to allow at least a week before that for us to prep and to be working with Dr. Florence; and it's hard to conceive of anything more difficult to deal with from a stress aspect on one's heart, than prepping on this case and going through this trial. Going through this trial is stressful on everyone involved, but it must be more stressful on the defendant than anyone else.

I respectfully contend that it would be disingenuous of any of us involved to attempt to go through this process without medical assurances that we were not putting Dr. Florence's life itself at stake by the circumstance. In other words, he needs his doctors' clearance before he is put through this process. I think the Court is in a perfect situation if necessary to direct inquiries to the doctor, because hopefully nobody wants to see Dr. Florence's heart damaged or life itself taken by the process.

RESPECTFULLY SUBMITTED:

**THE HUSKEY FIRM**

s/ Robert L. Huskey

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## **CERTIFICATE OF SERVICE**

I, **ROBERT HUSKEY**, hereby certify that on the 10<sup>th</sup> day of December, 2021, a copy of the Supplement to Notice of Available Dates and Updated Medical Status was filed electronically. Notice of this filing will be sent by operation of the court's electronic filing system to all parties, as listed below, indicated on the electronic service receipt. All other parties will be served by U.S. Mail. Parties may access this filing through the Court's electronic filing system.

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